

D R A F T

SUMMARY

Prohibits local government, local contracting agency or local contract review board from enacting, adopting or enforcing ordinance, resolution, rule or other law that prohibits, restricts or limits evaluation, comparison or use of pipe or piping materials for water project if pipe or piping materials meet current standards or performance specifications of specified organizations and moneys appropriated from State Treasury directly or indirectly provided funding for water project.

Becomes operative on January 1, 2022.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to materials for local water projects; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 279C.

SECTION 2. (1) As used in this section, “water project” means a project to construct, reconstruct or repair pipe, piping materials, interceptors, treatment plants or other facilities necessary to:

(a) Pump, treat and distribute drinking water; or

(b) Collect, treat and dispose of liquid and solid waste.

(2) A local government, local contracting agency or local contract review board may not enact, adopt or enforce an ordinance, resolution, rule or other law that prohibits, restricts or limits an evaluation, comparison or use of pipe or piping materials for a water project if:

(a) The pipe or piping materials meet current standards or per-

1 **formance specifications of:**

2 **(A) ASTM International, or the successor organization of ASTM**
3 **International;**

4 **(B) The American Water Works Association, or the successor or-**
5 **ganization of the American Water Works Association;**

6 **(C) The American National Standards Institute, or the successor**
7 **organization of the American National Standards Association;**

8 **(D) NSF International, or the successor organization of NSF Inter-**
9 **national; or**

10 **(E) A licensed professional engineer; and**

11 **(b) Moneys appropriated from the State Treasury directly or indi-**
12 **rectly provided all or a portion of the funding for the water project.**

13 **(3) Subsection (2) of this section does not:**

14 **(a) Limit a licensed professional engineer's professional judgment,**
15 **opinion, recommendation or specification with respect to appropriate**
16 **pipe or piping materials or the performance of pipe or piping materials**
17 **in connection with a specific water project; or**

18 **(b) Apply to design or construction specifications that a licensed**
19 **professional engineer develops for a specific water project in consul-**
20 **tation with a local government, local contracting agency or local**
21 **contract review board.**

22 **SECTION 3. Section 2 of this 2021 Act applies to a procurement for**
23 **a water project that a public body first advertises or otherwise solicits**
24 **or, if the public body does not advertise or otherwise solicit the water**
25 **project, to a public contract for a water project that a public body**
26 **enters into on or after the operative date specified in section 4 of this**
27 **2021 Act.**

28 **SECTION 4. (1) Section 2 of this 2021 Act becomes operative on**
29 **January 1, 2022.**

30 **(2) A local government, local contracting agency or local contract**
31 **review board may adopt, amend, enact or repeal an ordinance, resol-**

ution, rule or other law before the operative date specified in subsection (1) of this section that is necessary to enable the local government, local contracting agency or local contract review board to conform, on and after the operative date specified in subsection (1) of this section, to the requirements set forth in section 2 of this 2021 Act.

SECTION 5. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.